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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,291	01/10/2002	Timothy G. Nye	3014.1005-001	6857

21005 7590 12/27/2007
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EXAMINER

TODD, GREGORY G

ART UNIT	PAPER NUMBER
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2157

MAIL DATE	DELIVERY MODE
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12/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/044,291

Applicant(s)

NYE, TIMOTHY G.

Examiner

Gregory G. Todd

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/5/07.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to applicant's amendment and request for continued examination filed, 05 November 2007, of application filed, with the above serial number, on 10 January 2002 in which claims 49, 55, 56, 58, and 59 have been amended. Claims 49-59 are therefore pending in the application.

Claim Objections

2. Claim 52 is objected to because of the following informalities: The terminology of "the geographically bounded region based upon a computer address" is missing a verb or the like. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 49 recites the limitation " the local device " in line 20. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 49-57 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein et al (hereinafter "Himmelstein", 2001/0011270) in view of DeLorme (hereinafter "DeLorme", 6,321,158).

As per Claim 49, Himmelstein teaches a method for creating a geographically bounded network of computers comprising the steps of:

creating and maintaining a list of attribute bounded electronic addresses representing a plurality of indexable electronic documents, on a computer network, that are associated with a geographically bounded region, where the computer network is the Internet (at least paragraph 2, 18-21; index with geocoding; WWW);

identifying a plurality of computers associated with the geographically bounded region (at least paragraph 70-75);

in response to receiving a geographically bounded request from one of the computers, assigning one or more geographically bounded electronic addresses from the geographically bounded list (at least paragraph 70-75; search query);

sending the assigned geographically bounded electronic address to the requesting computer, where the requesting computer processes the assigned geographically bounded electronic address to index one or more electronic documents that are obtained through the assigned geographically bounded electronic address (at least paragraph 70-75; search results);

creating a geographically bounded searchable index of the electronic documents that are obtained through the assigned geographically bounded electronic address (at least paragraph 25-32; spidering and indexing).

Himmelstein does not teach storing the geographically bounded searchable index locally on a local hard drive of a tablet device, where the geographically bounded searchable index is accessible offline from the local device without accessing the computer network. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of DeLorme. DeLorme teaches a portable handheld palmtop pda device inputting and requesting a map or area of interest and downloading from an Internet connected remote Integrated Routing/Mapping Information System (IRMIS), a local IRMIS map set being downloaded for portable use, and including at least routes and POI's (at least col. 7:1-4; 8:25-52; 51:24-55). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the use of DeLorme's downloaded offline geographic locations into Himmelstein as this would enhance Himmelstein's system to be performed when the user is in the vicinity and not connected online to a network, and as the technique for improving a particular class of devices was part of the ordinary capabilities of a person of ordinary skill in the art, in view of the teaching of the technique for improvement in other situations.

As per Claim 50. The method of claim 49 further comprising receiving the processed result from the requesting computer (at least paragraph 25-32; 70-74).

As per Claim 51. The method of claim 49 wherein the geographically bounded region is automatically generated based upon a physical address selected from at least one of a group consisting of: a city, a zip code, a longitude, a latitude, an altitude, a telephone area code, an informal destination and an area relative to a location (at least paragraph 30-32).

As per Claim 52. The method of claim 49 wherein the the geographically bounded region based upon a computer address (at least paragraph 70-74).

As per Claim 53. The method of Claim 49 wherein the attribute is a topical boundary (at least paragraph 32-47).

As per Claim 54. The method of claim 49 wherein the network is the Internet and the electronic addresses are represented as Uniform Resource Locators (at least paragraph 70-74).

As per Claim 55. The method of claim 49, wherein the step of assigning includes overlapping the assignment of geographically bounded electronic addresses to multiple requesting computers (at least paragraph 82-101).

As per Claim 56. The method of claim 49 wherein assigning one or more geographically bounded electronic addresses from the geographically bounded list further includes:

matching at least one of the electronic addresses in the geographically bounded list to at least one attribute from the geographically bounded request; and in response to determining that no electronic addresses in the geographically bounded list matches

any attribute from the geographically bounded request, assigning an electronic address from the geographically bounded list that does not match the geographically bounded request from the requesting computer (at least paragraph 70-84).

As per Claim 57. The method of claim 49 wherein processing step comprises: spidering, on the requesting computer, the distributed electronic address (at least paragraph 25-27).

As per Claim 59, Himmelstein teaches a method for creating a geographically bounded network of computers comprising:

- identifying a plurality of computers associated with a geographically bounded attribute to create a geographically bounded network of computers, where the computer network is the Internet (at least paragraph 2, 18-21; index with geocoding; WWW);

- maintaining a list of geographically bounded electronic addresses representing a plurality of indexable electronic documents that are associated with the geographically bounded attribute (at least paragraph 18-21; index with geocoding);

- assigning electronic addresses from the geographically bounded list to computers in the geographically bounded network of computers (at least paragraph 70-75; search query); and

- in response to receiving the assigned electronic addresses from the geographically bounded list, indexing by computers in the geographically bounded network of computers, one or more electronic documents having geographically bounded electronic addresses (at least paragraph 70-75; search results).

creating a geographically bounded searchable index of the electronic documents (at least paragraph 25-32; spidering and indexing).

Himmelstein does not teach storing the geographically bounded searchable index on a tablet device, where the geographically bounded searchable index is accessible offline without accessing the computers in the geographically bounded network of computers. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of DeLorme. DeLorme teaches a portable handheld palmtop pda device inputting and requesting a map or area of interest and downloading from an Internet connected remote Integrated Routing/Mapping Information System (IRMIS), a local IRMIS map set being downloaded for portable use, and including at least routes and POI's (at least col. 7:1-4; 8:25-52; 51:24-55). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the use of DeLorme's downloaded offline geographic locations into Himmelstein as this would enhance Himmelstein's system to be performed when the user is in the vicinity and not connected online to a network, and as the technique for improving a particular class of devices was part of the ordinary capabilities of a person of ordinary skill in the art, in view of the teaching of the technique for improvement in other situations.

6. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein in view of DeLorme as applied to claim 49 above, and further in view of Malone et al (hereinafter "Malone", 2002/0038348).

Himmelstein and DeLorme fail to teach wherein the plurality of computers uses peer-to-peer technology to form a virtual community associated with the geographically bounded region. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Malone (at least paragraph 33, 69). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the use of Malone's peer to peer network into Himmelstein and DeLorme's system as Malone teaches p2p networks being used for application networks with distributed information, similarly to Himmelstein, and as all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill at the time of the invention.

Response to Arguments

7. Applicant's arguments with respect to claims 49-59 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newly cited Hubbarb (tablet, table 2), Hougaard et al (col. 5:18-32; local geographic indexing from Internet), and Drury et al (col. 19; in-vehicle located database downloading route information from server and closing server session), in

addition to previously cited Culliss, Malone et al, Dunworth et al, Carrasco et al, Lee et al, Jindal, and Logan are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G. Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd



Patent Examiner

Technology Center 2100